

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JONATHAN VILLARREAL, §
Individually and derivatively on behalf §
Of ZROBLACK, LLC §
Plaintiffs, §
v. § **No. 5:20-cv-00571-OLG**
JOHN SAENZ, et al., §
Defendants. §

**MOTION FOR ENTRY OF STIPULATION AND AGREED ORDER FOR DEADLINES
RELATED TO (I) PLAINTIFFS' FIRST AMENDED VERIFIED COMPLAINT AND
(II) PLAINTIFF'S FIRST AMENDED APPLICATION FOR SEIZURE,
TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION,
AND PERMANENT INJUNCTIVE RELIEF**

**TO THE HONORABLE RICHARD FARRER,
UNITED STATES MAGISTRATE JUDGE:**

COME NOW Defendants JOHN SAENZ, MIGUEL VILLARREAL, JR., and GUNN, LEE, & CAVE, P.C. and move this Court for entry of an order setting forth deadlines under Federal Rule of Civil Procedure 15 pursuant to the stipulation of the Parties (as defined herein). Plaintiffs JONATHAN VILLRREAL, individually and derivatively on behalf of ZROBLACK, LLC and Defendants JOHN SAENZ, MIGUEL VILLARREAL, JR., and GUNN, LEE, & CAVE, P.C. (collectively, the "Parties") have reached an agreement related to various deadlines and request the Court enter an order establishing those deadlines.

1. In response to Plaintiffs' original Complaint, the Defendants filed motions to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).
2. Plaintiffs were granted leave to amend the Complaint, and the motions to dismiss were denied as moot, without prejudice to filing renewed motions to dismiss in response to any amended complaint.

3. Plaintiffs maintain that their First Amended Verified Complaint (and the First Amended Application for Seizure, Temporary Restraining Order, Preliminary Injunction, and Permanent Injunctive Relief, referred to as the “Amended Application”) contain confidential information that needed to be sealed and/or redacted. The Plaintiffs therefore filed an unredacted copy of the First Amended Verified Complaint and the Amended Application under seal. Defendants cannot access the sealed documents over PACER or CM/ECF. The Plaintiffs filed a redacted copy of the First Amended Verified Complaint. On January 21, 2021, Plaintiffs served electronic copies of the First Amended Verified Complaint and the Amended Application on Defendants’ counsel.

4. The Federal Rules of Civil Procedure, the Local Rules, and the Court’s orders contain conflicting language about when the Defendants’ deadline to respond to the First Amended Verified Complaint and the Amended Application would begin to run. To avoid any confusion, the Parties have agreed that the deadline for Defendants to respond to the First Amended Verified Complaint and the Amended Application shall be calculated from the date of service, *i.e.*, January 21, 2021.

5. The Parties specifically stipulate as follows: Pursuant to Federal Rule of Civil Procedure 15, the Defendants’ deadline to respond to the First Amended Verified Complaint and the Amended Application shall be February 4, 2021.

WHEREFORE, PREMISES CONSIDERED, the Parties pray that the Court enter an order substantially in the form attached hereto as **Exhibit A** establishing the deadline for the Defendants to respond to First Amended Verified Complaint and the Amended Application, and for such other relief to which they may be entitled at law or equity.

Dated January 22, 2021.

Respectfully submitted,

/s/ Natalie F. Wilson

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2021, a true and correct copy of the above and foregoing instrument was served via the Court's electronic transmission facilities on:

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/s/ Natalie F. Wilson

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